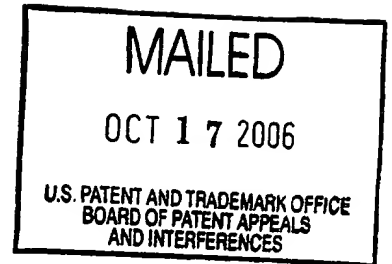UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte DAVID MICHAEL KOELLE,
JEFFREY PHILLIP SNOVER,
AND BRIAN JAMES TARBOX

_____

Application No. 09/894,065

_____

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on October 7, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On July 3, 2006, an Examiner's Answer was entered into the record. In the Evidence Relied Upon section, page no. 2, paragraph (8), the examiner has stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that references to McCormack et al., "Real-Time User-Defined Creation of Network Device Information Collections" and Rahikkala et al. were applied to the statement of rejections in the Grounds of Rejection, paragraph (9) of the Examiner's Answer. Before further review, the examiner must submit a corrected Examiner's Answer that will include in the Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) § 1207.02. Appropriate correction is required.

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

1) to issue a revised Examiner's Answer having the missing references listed under the Evidence Relied Upon section, paragraph (8); and

2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _GPEdgee for Dale Shaw_
DALE M. SHAW
Deputy Chief Appeals Administrator
(571) 272-9797

DMS/kis

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